

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of: Bradley William Caprathe *et al.*

Serial No.: 09/674812

Filed: April 30, 1999

For: *Succinamide Inhibitors of Interleukin-1B
Converting Enzyme*

Attorney Docket No.: BBI-5060CPUS

Group Art Unit: Not Yet Assigned

Examiner: Not Yet Assigned

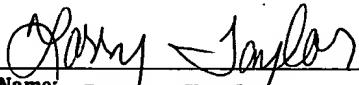
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Certificate of Express Mailing

I hereby certify that the form, identified herein, is being deposited by me with the United States Postal Service "Express Mail Post Office to Addressee" service, Mailing Label No. EL 489806431 US, under 37 C.F.R. §1.10, on the date indicated below and is addressed to the Commissioner for Patents, Box PCT, Washington, D.C. 20231.

December 21, 2001

Date

By: 
Name: Larry Taylor

DECLARATION OF THERESA A. BRESNAHAN

1. I, Theresa A. Bresnahan, am the Patent Docketing Administrator for the Patent Department of the law firm of Foley Hoag, One Post Office Square, Boston, MA 02109, 617-832-1000.

2. At the request of the owner of the above-referenced patent application, Beth Arnold, Esq. of Foley Hoag, then attorney of record, transferred, on or about May 23, 2001, the complete Foley Hoag prosecution file for the above-referenced patent application to Giulio A. DeConti, Jr., Esq. of Lahive & Cockfield, LLP, 28 State Street, Boston, MA 02109-1784.

3. On or about September 19, 2001, a Notification of Abandonment, dated 11 September 2001, was received by the Patent Department of Foley Hoag on September 19, 2001. The Notification indicated that the application was abandoned for failure to respond to a Notification of Missing Requirements dated 19 December 2000. On September 20, 2001, Therese Galante, Foley Hoag Patent Administrator, sent the Notification of Abandonment to Giulio A. DeConti, Jr. Copies of the Notification of Abandonment and the Foley Hoag transmittal letter to Mr. DeConti are attached hereto as Exhibit 1.

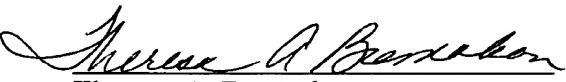
4. On or about September 24, 2001, Peter Lauro, Esq., of Lahive & Cockfield, a current attorney of record, contacted Beth Arnold to apprise her that the Notification of Missing Requirements was not in the transferred prosecution file. Ms. Arnold referred the matter to me for investigation.

5. All patent-related mail, including mail from the United States Patent and Trademark Office, is sent to the Foley Hoag IP Fileroom (PATENTS). There, the receipt of mail is recorded in a Mail Log by date, docket (attorney)number, serial number and type of correspondence. The mail is then matched up to the files and sent to patent docketing.

6. I have reviewed the Foley Hoag IP Mail Logs from December 19, 2000, the date of the Notification of Missing Requirements, up to and including January 19, 2001 for Foley Hoag attorney docket no. BFA-00701 and application serial no. 09/674812. I found no entry under either docket no. BFA-00701 or application serial no. 09/674812 for receipt of a Notification of Missing Requirements dated 19 December 2001. Accordingly, Foley Hoag has no record of having ever

received the Notification of Missing Requirements dated 19 December 2001.

7. I declare further that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.


Theresa A. Bresnahan

Date: 12-20-01